UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Washington 25, D. C.
June 17, 1953

1954 PEANUT MEMO NO. 1

To: Chairman, State PMA Committee, Peanut-Producing States

From: George L. Prichard, Director, Fats and Oils Branch

Subject: Forms and Informational Material to be Used in Connection with Peanut Marketing Quota Referendum for the 1954, 1955, and 1956 Crops of Peanuts

In anticipation of a peanut marketing quota referendum late this fall, preparation of forms and informational materials is under way. So that we may get the printing orders in on time please let us know without delay the number of the following items you will need:

1022.1	Regulations Governing the Holding of Referenda on Marketing Quotas
1022 (Peanuts)-2 (1954)	Instructions for Holding Referendum on Peanut Marketing Quotas
MQ-3-Peanuts (1954)	Notice of Peanut Marketing Quota Referendum
MQ-4	Register of Eligible Voters and Ballots Cast
MQ-5-Peanuts (1954)	Peanut Marketing Quota Referendum Ballot
MQ-6	Community Summary of Marketing Quota Ballots
MQ-7	County Summary of Marketing Quota Ballots
MQ-8	State Tabulation of Marketing Quota Ballots

Fact Pamphlet for Committeemen - Essential program and peanut situation information for county and community committeemen. This is not intended for general distribution; however, States may want to plan on some distribution to bankers, managers of Production Credit and Farm Loan Associations, officers of local cooperatives, county farm organization officers and other similar leaders.

Leaflet for distribution to growers - Essential program information for peanut growers. Planned to be in hands of county committees for mailing with allotment notices. States may want to plan on some additional distribution to interested businessmen and others.

News Mats (2 or 3) - "Publicity" type pictures to be used in local newspapers primarily as attention-getters for short messages on referendum.

Sponsored advertising - Small group of suggested advertising layouts for use by local editors together with mats of illustrations and appropriate copy.

Reminder Post Cards - Printed in color for mailing to growers a few days before the referendum.

UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Washington 25, D. C.

July 1, 1953

1954 PEANUT MEMO NO. 2

To: Chairman, State PMA Committee
Peanut-Producing States

From: George L. Prichard, Director
Fats and Oils Branch

Subject: Notice of Peanut Marketing Quota Referendum and Rules of Eligibility for Voting

Enclosed are several copies of a notice establishing the date and rules of eligibility for voting in the referendum for peanut marketing quotas of the 1954, 1955, and 1956 crops. This notice will appear in the Federal Register within the next few days.

Enclosures

UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Washington 25, D. C.

July 1, 1954

1954 PEANUT MEMO NO. 2

To: Chairman, State PMA Committee
Peanut-Producing States

From: George L. Prichard, Director
Fats and Oils Branch

Subject: Notice of Peanut Marketing Quota
Referendum and Rules of Eligibility
for Voting

Enclosed are several copies of a notice establishing the date and rules of eligibility for voting in the referendum for peanut marketing quotas of the 1954, 1955, and 1956 crops. This notice will appear in the Federal Register within the next few days.

Enclosures

UNITED STATES DEPARTMENT OF AGRICULTURE
PRODUCTION AND MARKETING ADMINISTRATION

N O T I C E

PEANUT MARKETING QUOTA REFERENDUM

A referendum of farmers who were engaged in the production of the 1953 crop of peanuts picked or threshed will be held on December 15, 1953, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended and applicable regulations, to determine whether such farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1954, 1955, and 1956.

ELIGIBILITY TO VOTE

1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of peanuts in 1953 as owner-operator, cash tenant, standing-rent tenant, or fixed-rent tenant, or landlord of a share tenant, or as share tenant or share cropper on a farm on which the picked and threshed acreage of peanuts in 1953 is more than one acre.

2. No peanut farmer (whether an individual, partnership, corporation, firm, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in 1953 in the production of peanuts on two or more farms or in two or more communities, counties, or States.

3. In case several persons, such as husband, wife, and children, participated in the production of peanuts in 1953, under the same rental or cropping agreement or lease, only the person or persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

4. In the event two or more persons were engaged in producing peanuts in 1953 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to vote.

5. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of peanuts may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of peanuts.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he is eligible to vote not later than the closing hour of the date of the referendum, which shall not be earlier than 5 o'clock p.m., local time.

6. There shall be no voting by mail (except as provided in paragraph 5(c) above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

Done at Washington, D. C. this 30th day of June, 1953. Witness my hand and the seal of the Department of Agriculture.

/s/ True D. Morse
Acting Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Washington 25, D. C.

September 28, 1953

1954 PEANUT MEMO NO. 3

To: Chairman, State PMA Committee
Peanut Producing States

From: Assistant Administrator for Production

Subject: Peanut Marketing Quota Penalties Incurred by Persons Who Are Deceased

Several States have asked if they should attempt to collect peanut marketing quota penalties from the estates of deceased violators.

We have been informed by the Office of the Solicitor that the recovery of a marketing quota penalty does not survive the death of the wrongdoer, being in its nature personal. That is the rule in connection with both penal and remedial penalties. In view of this decision, you should remove from the debt register all such peanut marketing quota indebtednesses.

W. J. Manwaring

UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Washington 25, D. C.

September 28, 1953

1953 PEANUT MEMO NO. 3

To: Chairman, State PMA Committee
Peanut Producing States

From: Assistant Administrator for Production

Subject: Peanut Marketing Quota Penalties Incurred by Persons Who Are Deceased

Several States have asked if they should attempt to collect peanut marketing quota penalties from the estates of deceased violators.

It have been informed by the Office of the Solicitor that the recovery of a marketing quota penalty does not survive the death of the wrongdoer, being in the nature personal. That is the rule in connection with both penal and remedial penalties. In view of this decision, you should receive from the debt negligent all such peanut marketing quota indebtedness.

UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Washington 25, D. C.

October 1, 1953

1954 PEANUT MEMO NO. 4

To: Chairman, State PMA Committee
Peanut-Producing States

From: George L. Prichard, Director
Fats and Oils Branch

Subject: National Marketing Quota, National Acreage Allotment, and Apportionment to States of the National Acreage Allotment for Peanuts for the 1954 Crop

Enclosed are several copies of the Secretary's proclamation concerning the above subject. This is the official notice of your 1954 State peanut allotment. The regulations and instructions concerning this subject will be shipped to you within the next few days.

George Prichard

Enclosures

TITLE 7 - AGRICULTURE
CHAPTER VII - PRODUCTION AND MARKETING ADMINISTRATION
(AGRICULTURAL ADJUSTMENT)

Part 729 - Peanuts

National Marketing Quota, National Acreage Allotment, and Apportionment to States of the National Acreage Allotment for Peanuts for the 1954 Crop

§ 729.501 Basis and purpose. Section 358(a) of the Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the immediately preceding five years, adjusted for current trends and prospective demand conditions. Section 358(a) further provides that the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres, and that the national marketing quota established for any subsequent year shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941.

Except for the preceding limitation, the national marketing quota would be 647,000 tons and the national acreage allotment would be 1,545,998 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 673,785 tons. Section 358(a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

Section 358(c) of the said Act provides that the national acreage allotment, less the acreage to be allotted to new farms under Section 358(f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

Section 729.502 of this proclamation establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1954 crop of peanuts. Section 729.503 apportions the 1954 national acreage allotment among the several peanut-producing States. The determinations in these sections are based on the latest available statistics of the Federal Government.

Public notice of the proposed proclamation and determinations to be made with respect to the 1954 national marketing quota, the national acreage allotment, and apportionment of such allotment among the States was given (18 F.R. 3802) in accordance with the Administrative Procedure Act. The proclamation is made after due consideration of recommendation submitted in response to such notice.

§ 729.502 Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1954.

(a) National marketing quota. The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1954 is 673,785 tons.

(b) Normal yield per acre. The normal yield per acre of peanuts for the United States is 837 pounds.

(c) National acreage allotment. The national acreage allotment for the crop produced in the calendar year 1954 is 1,610,000 acres.

§ 729.503 Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1954. The national peanut acreage allotment proclaimed in Section 729.502 is hereby apportioned as follows:

State	1954 State Acreage Allotment
Alabama	217,965
Arizona	717
Arkansas	4,220
California	940
Florida	54,777
Georgia	524,611
Louisiana	1,963
Mississippi	7,557
Missouri	246
New Mexico	4,906

State	1954 State Acreage Allotment
North Carolina	168,813
Oklahoma	137,323
South Carolina	13,743
Tennessee	3,564
Texas	355,063
Virginia	105,542
Total Apportioned to States	1,601,950
Reserve for New Farms	8,050
Total, United States	1,610,000

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies Secs. 358, 55 Stat. 88, as amended, 65 Stat. 29; 7 U.S.C. 1358)

Issued at Washington, D. C. this 30th day of September 1953. Witness my hand and the seal of the Department of Agriculture.

True D. Morse

Acting Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration

Instruction No.
1023 (Peanuts-54)-3

ACTION BY: State PMA Offices
Peanut-Producing States

STATE OFFICE INSTRUCTIONS
FOR DETERMINING ALLOTMENTS - PEANUTS OF THE 1954 CROP

Approved

W. F. Manwaring
Assistant Administrator for Production

I PURPOSE

The purpose of this instruction is to furnish the procedure to be followed by State committees in establishing farm peanut acreage allotments for the 1954 crop of peanuts.

II GENERAL

A Forms and Instructions. - State office personnel engaged in work in connection with the determination of 1954 peanut acreage allotments should be thoroughly familiar with the County Office Instructions in 1023 (Peanuts-54)-2 and with the forms and instructions listed in Section II, C, therein.

B State Committee Responsibilities. - In determining 1954 peanut acreage allotments, the State committee or its designated representatives will be responsible for:

1 Arranging for the instruction of county committeemen and county office personnel to the extent necessary to insure the proper determination of farm allotments. Upon request, a representative of the Fats and Oils Branch will be available to assist the committee in instructing county committeemen and county office personnel.

2 Notifying county committees of the acreage available for making upward adjustments and whether upward adjustments should be recorded in column 9 or column 12 of the listing sheet. As provided in the regulations, the acreage available for adjustments in the State shall not exceed five percent of the acreage allotted to old farms in the State for 1953.

3 Determining that farm allotments have been established in accordance with regulations and instructions, on the basis of personal review by county and community committeemen, and that such allotments have been established in a uniform manner as between counties.

STATE OFFICE INSTRUCTIONS
FOR DETERMINING ALLOTMENTS - PEANUTS OF THE 1954 CROP

(II B)

4 Notifying the Director, as far in advance as possible, of the date when the listing sheets will have been received in the State office. (NOTE: A representative of the Fats and Oils Branch will be available to assist in the review of the listing sheets and in the determination of the reserve and the allotment factor.)

5 Establishing and announcing a closing date for filing applications for new farm allotments which shall not be earlier than January 15, 1954, or later than February 15, 1954.

6 Recommending equitable allotments for new farms. The Fats and Oils Branch shall be notified not later than March 1, 1954 of the total acreage recommended for new farm allotments in the State.

7 Establishing and announcing closing dates for release and reapportionment of farm allotments. The release date shall be not later than July 1, 1954. The reapportionment date shall be not later than July 15, 1954.

8 Furnishing the Director with a report showing the Sections of the regulations (Instruction No. 1023 (Peanuts-54)-1) containing functions to be redelegated in accordance with Section 729.530 of the regulations and the person to whom such function has been assigned.

III ALLOTMENTS FOR OLD FARMS

A Review of Listing Sheets and Summary. - When the listing sheets are received in the State office, they shall be reviewed as follows:

1 Verify the totals of all executed columns.

2 Spot check the entries in columns 5, 6, 7, and 8 against the 1953 allotment listing sheet, PMA-529.

3 Determine for each farm that the entry in column 10 does not exceed the entry in column 4. If the entry in column 10 is larger than the entry in column 4, circle the entry in column 10 and enter the acreage shown in column 4 above the circled entry in column 10.

4 Determine that downward adjustments are properly recorded in column 9 and have been made pursuant to Section 729.517 of the regulations.

STATE OFFICE INSTRUCTIONS
FOR DETERMINING ALLOTMENTS - PEANUTS OF THE 1954 CROP

(III A)

5 If upward adjustments are recorded in column 9, determine that such adjustments have been made pursuant to Section 729.517 of the regulations and that the total of the upward adjustments in column 9 for all farms does not exceed the acreage made available for adjustments by the State committee, plus the sum of the downward adjustments recorded in column 9.

6 Verify the entry in column 10 for each farm by adding or subtracting the entry in column 9 to or from the uncircled entry in column 8. If the entry in column 10 for a farm exceeds the entry in column 4, the entry in column 10 shall be reduced to equal the entry in column 4.

7 Check the county summary sheet to determine that data has been correctly transcribed from the listing sheets and that the acreage recommended by the county committee as a reserve for late allotments and for corrections of errors has been entered in column 20.

8 Verify that the summary sheet has been signed by a member of the county committee.

B Determination of Reserve for Late Allotments and for Correction of Errors. - On the basis of experience in past programs and the reserve acreages recommended by county committees (column 20 county summary sheets) the State committee shall determine a State reserve for late allotments and for corrections.

C Reserve for Relationship Adjustments. - If adjustments are to be recorded in column 12 after preliminary allotments have been determined, enter in column 12 of the county summary the acreage available in the county for making such adjustments.

D Apportioning State Allotment to Farms. - The State allotment shall be apportioned directly to farms in accordance with Section 729.515 of the regulations. The reserve for late allotments and for the correction of errors shall be held as a State reserve and shall be deducted from the State allotment prior to apportioning such allotment to farms. If upward adjustments are to be recorded in column 12, the total acreage in the State reserve for such adjustments shall also be deducted from the State allotment prior to apportioning such allotment to farms. The State allotment factor to be used in apportioning the State allotment to farms shall be entered in the lower right corner of the county summary in the space reserved for the allotment factor.

STATE OFFICE INSTRUCTIONS
FOR DETERMINING ALLOTMENTS - PEANUTS OF THE 1954 CROP

(III)

E Approval of Allotments.

1 In States where upward adjustments are recorded in column 9 on the listing sheet, the approval of the State committee shall be indicated by having a member of the State committee, or its designated representative, sign the county summary in the space provided. The original and copies of the regular listing sheets with carbon inserts intact, and the copy of the listing sheet for farms removed from agricultural production and the original of the county summary shall be returned to the county office for the computation of farm allotments. (NOTE: If the State committee determines that such action will expedite the delivery of allotment notices, the committee may arrange for column 11 of the listing sheets to be executed in the State office.)

2 In States where upward adjustments will be recorded in column 12 on the listing sheets, the original and copies of the listing sheets with carbon inserts intact and the county summary sheets shall be returned to the county office for the execution of columns 11, 12, and the computation of farm allotments. When farm allotments have been computed, the listing sheets shall be returned to the State committee for approval. The approval of the State committee shall be indicated by having its designated representative sign the summary in the space provided. The original of the listing sheets and the county summary shall be returned to the county office.

If the State committee determines that such action will expedite the delivery of allotment notices, the listing sheets may be approved immediately after the State allotment factor has been determined. If this is done, the State committee shall instruct the county committees to prepare an adjustment listing sheet for each farm for which the preliminary allotment is adjusted in column 12. Data for each farm for which the preliminary allotment is adjusted shall be listed on PMA-529, identified as "Adjusted Listing Sheet". The original listing for the farm on PMA-529 shall be lined through and a cross reference to the adjusted listing sheet entered in the margin. The State committee shall maintain sufficient records of adjustments to determine that the acreage allotted to the county committee for adjustments has not been exceeded.

The State committee may arrange for column 11 of the listing sheet to be executed in the State office.

STATE OFFICE INSTRUCTIONS
FOR DETERMINING ALLOTMENTS - PEANUTS OF THE 1954 CROP

(IV)

IV ALLOTMENTS FOR NEW FARMS

A Review of Applications. - When the new farm applications, MQ-25, and listing sheets, PMA-529, are received from the county office they shall be reviewed by the State committee to determine that allotments recommended by the county committee are equitable as compared with similar farms and as compared between counties.

B Approval of Allotments. - The allotment recommended by the State committee for each farm shall be entered in the space provided on the new farm application, MQ-25, and in column 13 of the listing sheet. County totals of column 13 shall be obtained. A State summary of new farm data shown on the listing sheets shall be prepared on a sheet of PMA-529. The allotments recommended by the State committee will be the approved allotments for the new farms, unless the sum of the recommended new farm allotments for all States exceeds the national new farm reserve. The State committee shall notify the Fats and Oils Branch by telegram not later than March 1, 1954, of the total acreage recommended for new farm allotments for the State. If a reduction of recommended new farm allotments is necessary, the State committee will be notified by the Fats and Oils Branch of the factor to be applied to the recommended allotments to determine the new farm allotments.

V REALLOCATION OF ALLOTMENTS RELEASED FROM FARMS REMOVED FROM AGRICULTURAL PRODUCTION

The displaced owner of a farm removed from agricultural production, because of acquisition in accordance with Section 729.526 of the regulations, may within five years of the date of such acquisition make application to the county committee to have the allotment which was released from the acquired farm placed on another farm owned or acquired by him. The county office instructions require that such application be in writing.

The county committee will submit all applications to the State committee with a statement showing: (a) the farm serial number, the peanut acreage allotment and the acreage of cropland on the owned or acquired farm; and (b) the county code and farm serial number, the peanut acreage allotment and the date of acquisition for the farm removed from agricultural production. On the basis of the information contained in the statement and the 1954 allotment established for the farm removed from agricultural production, the State committee shall establish an allotment on Form PMA-529 for the owned or acquired farm in accordance with the provisions of Section 729.526 of the regulations. A copy of the listing sheet on which such allotment is established shall be sent to the county committee.

STATE OFFICE INSTRUCTIONS
FOR DETERMINING ALLOTMENTS - PEANUTS OF THE 1954 CROP

(V)

The county committee of the county in which the farm removed from agricultural production was located shall be notified that it will no longer be necessary to carry the farm removed from agricultural production on their listing sheet.

If the statement submitted by the county committee along with the producer's application indicates that the farm removed from agricultural production was located in another State, the State committee shall immediately contact the State committee of the State in which the farm removed from agricultural production was located and request a copy of the 1954 listing sheet for the farm.

* * *

UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Washington 25, D. C.

October 2, 1953

1954 PEANUT MEMO NO. 5

To: Chairman, State PMA Committee, Peanut-Producing States

From: George L. Prichard, Director, Fats and Oils Branch

Subject: 1023 (Peanuts-54)-1, 1023 (Peanuts-54)-2, and 1023 (Peanuts-54)-3

Under separate cover we are shipping you today your supply of the 1954 peanut marketing quota regulations and instructions. The regulations are substantially the same as the regulations issued with respect to the 1953 crop of peanuts; however, there are several new provisions and changes directed toward using more fully the 1954 national acreage allotment for peanuts, which is smaller than any national peanut allotment established since 1942.

Section 729.511 (k) defines the term "old farm" as any farm on which peanuts were picked or threshed in 1951, 1952, or 1953; including also any farm for which 1953 farm allotments were established or which were eligible for 1953 old farm allotments, if peanuts were planted for harvest on any such farm in any year 1951, 1952, or 1953, and the county committee determines that no peanuts were picked or threshed from the farm in any such year because of abnormal conditions affecting acreage. The language following the semicolon is new, the change having been made largely to preserve the old farm status of a number of farms in drought areas of the southwest on which peanuts have been planted but none picked and threshed in the last three years.

Under the 1954 regulations the State and county committees will estimate and set aside from the State allotment only the acreage that will be needed for corrections and the actual acreage that will be needed to establish allotments for those farms on which one acre or less of peanuts was picked or threshed in each of the years 1951, 1952, and 1953 but on which more than one acre of peanuts will be picked and threshed in 1954. Under the 1953 program and prior programs the counties set aside acreage for corrections and in addition set aside a sufficient acreage to establish allotments for all small farms in the State. As in past programs, if upward adjustments are to be made after preliminary allotments have been determined, the acreage reserved for upward adjustments will also be deducted from the State allotment prior to determining the State allotment factor.

Section 358(e) of the Agricultural Adjustment Act of 1938, as amended, provides that the Secretary may, if State committees recommend such action and the Secretary determines that such action will facilitate the effective administration of the provisions of the Act, provide for the apportionment

of the State allotment to counties for apportionment to farms rather than apportionment of the State allotment directly to farms as provided in Section 358(d) of the Act. The 1954 regulations do not provide for establishing county acreage allotments. The Department has taken the position that on the basis of experience in past programs, no useful purpose is served by establishing county acreage allotments.

Section 729.522 of the regulations provide that an acreage equal to one-half of one percent of the national allotment will be allotted to new farms on the basis of specified factors, including a requirement that one or more peanut producers on the farm have had experience in growing peanuts during at least two of the preceding five years. Section 729.522 of the regulations also provides that with the approval of the Director of the Fats and Oils Branch, any acreage allotted to a State for establishing old farm allotments which is not needed for that purpose may be allotted to new farms on the basis of specified factors, excluding the peanut growing experience requirement. It is anticipated that this provision will be applicable only to the minor peanut producing States which, because of the provisions of the Act which have frozen State allotments to the relationship which existed in 1951 among States, receive more acreage allotment than is needed for old farms in the State. We will issue a peanut memo at a later date furnishing the instructions to be followed by States that intend using this provision.

Since it appears that it will be necessary to establish cotton allotments this fall, States are strongly urged to establish peanut allotments as soon after receipt of the instructions and regulations as is possible.

TITLE 7 - AGRICULTURE
CHAPTER VII - PRODUCTION AND MARKETING ADMINISTRATION (AGRICULTURAL ADJUSTMENT)

Part 729 - Peanuts

MARKETING QUOTA REGULATIONS FOR PEANUTS OF 1954 CROP

GENERAL

Sec.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

MISCELLANEOUS

AUTHORITY: §§ 729.510 to 729.530 issued under sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 388, 52 Stat. 38, as amended; 7 U.S.C. 1301, 1358, 1359, 1361-1368, 1388.

GENERAL

§ 729.510 Basis and purpose. - The regulations contained in §§ 729.510 to 729.530 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm allotments and normal yields in connection with farm marketing quotas for the peanut crop produced in the calendar year 1954. The purpose of the regulations in §§ 729.510 to 729.530 is to provide the procedure for allocating the 1954 State peanut acreage allotments among farms, for establishing allotments for farms on which peanuts were not picked or threshed in 1951, 1952, or 1953, but on which peanuts are to be picked or threshed in 1954, and for determining farm normal yields per acre for peanuts. Prior to preparing the regulations in §§ 729.510 to 729.530, public notice (18 F.R. 3802) was given in accordance with Section 4 of the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations which were submitted in accordance with such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 729.511 Definitions. - As used in §§ 729.510 to 729.530 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Assistant Administrator" means the Assistant Administrator for Production, or the Acting Assistant Administrator for Production of the Production and Marketing Administration of the United States Department of Agriculture.

(b) "Committees." (1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to the Secretary's regulations governing the selection and functions of Production and Marketing Administration county and community committees.

(3) "State committee" means the persons designated in a State by the Secretary as the State committee of the Production and Marketing Administration.

(c) "County Office Manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the county PMA office, or the person acting in such capacity.

(d) "Cropland" means farm land which in 1953 was tilled or was in regular crop-rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable, noncrop, open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(e) "Director" means the Director, or Acting Director of the Fats and Oils Branch of the Production and Marketing Administration of the United States Department of Agriculture.

(f) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less.

(g) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(h) "Farm allotment" means the acreage allotment established for a farm pursuant to §§ 729.519 or 729.522.

(i) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1954, as determined in accordance with instructions issued by the Assistant Administrator, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county office manager that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: Provided, however, That:

(1) The farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds one acre if the acreage in excess of the farm allotment

from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger;

(2) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment is equal to or less than one acre and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of this subparagraph and of subparagraph (1) of this paragraph shall not apply unless a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the larger of the farm allotment or one acre is disposed of on the farm in such manner that the peanuts cannot thereafter be used or marketed as peanuts: Provided, further, That the manimum acreage limit prescribed in this subparagraph or subparagraph (1) of this paragraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances fron which the excess resulted are such that the maximum limitation should not apply.

(j) "New farm" means a farm on which peanuts will be picked or threshed in 1954, but on which no peanuts were picked or threshed in 1951, 1952, or 1953.

(k) "Old farm" means any farm on which peanuts were picked or threshed in 1951, 1952, or 1953; including also any farm for which 1953 farm allotments were established or which were eligible for 1953 old farm allotments, if peanuts were planted for harvest on any such farm in any year 1951, 1952, or 1953 and the county committee determines that no peanuts were picked or threshed from the farm in any such year because of abnormal conditions affecting acreage.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Peanuts" means all peanuts produced, excluding any peanuts not picked or threshed either before or after marketing from the farm.

(n) "Person" means an individual, partnership, association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(o) "Secretary" means the Secretary, or the Acting Secretary of Agriculture of the United States.

(p) "State Administrative Officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the State PMA office or the person acting in such capacity.

(q) "Tillable acreage available" means the acreage of cropland on the farm which the county committee determines is available for the production of peanuts in 1954, taking into consideration land uses and other crops grown on the farm and customary rotation practices: Provided, That the tillable acreage available for the production of peanuts for a farm shall not exceed the cropland on the farm minus the total of the 1954 acreage allotments established for other crops for the farm.

(r) "Tillable acreage factor" means the factor determined for the county (or for each community in a county, if the county committee determines that there is a wide variation between communities in the percentage of the tillable acreage available that is customarily devoted to peanuts) by dividing the tillable acreage available for all old farms in the county (or community) into the sum of the 1953 farm peanut allotments for all old farms in the county (or community). The sum of the 1953 farm peanut allotments shall be determined pursuant to instructions issued by the Assistant Administrator.

§ 729.512 Rule of fractions. - Farm allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty thousandths of an acre or less shall be dropped. For example, 8.051 would be 8.1 and 8.050 would be 8.0.

§ 729.513 Instructions and forms. - The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in §§ 729.510 to 729.530. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 729.514 Determination of farm data. The county committee shall obtain the following information and data for each old farm.

(a) The name and address of the operator.

(b) The total acreage of all land in the farm.

(c) The acreage of cropland in the farm.

(d) The tillable acreage available for the farm.

(e) The farm peanut acreage for each year 1951, 1952, and 1953.

(f) The 1953 peanut acreage allotment for the farm.

(g) Such other information and data as may be necessary in establishing farm allotments in accordance with §§ 729.510 to 729.530.

The information and data provided for in this section shall be obtained from acreage measurements and other records in the office of the county committee; if not available from these sources, these data and information may be obtained from reports made by operators or other interested persons or may be appraised or determined by the county committee on the basis of production and marketing records or other available information.

§ 729.515 Apportionment of State peanut allotment to farms. - Adjusted acreages for all old farms in the State shall be determined in accordance with § 729.517. Preliminary acreage allotments for old farms shall be calculated by multiplying the adjusted acreage for each old farm by a factor obtained by dividing the total of the adjusted acreages for all old farms in the State into the 1954 State peanut acreage allotment (minus the acreage reserve for late allotments and corrections pursuant to § 729.518 and the acreage reserve for adjustment pursuant to § 729.517 (b)(5) if allotment adjustments are to be made after adjusted acreages have been determined). Farm allotments shall be determined pursuant to § 729.519.

§ 729.516 Basis of farm allotment. - A farm allotment shall be determined for each old farm on the basis of the following factors as hereinafter applied: the 1953 peanut acreage allotment for the farm; the 1951, 1952, and 1953 farm peanut acreages; abnormal conditions affecting farm peanut acreage; tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts: Provided, however, That in establishing farm allotments pursuant to §§ 729.510 to 729.530, the following acreages shall not be taken into consideration: the peanut acreage determined as harvested in excess of the farm allotments established for each of the years 1951, 1952, and 1953; the peanut acreage harvested on the farm in 1951 as a result of allotments made under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts; the acreage allotment made to the farm under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts; the peanut acreage harvested on the farm in 1952 as a result of allotments made under §§ 729.326 and 729.328 of the marketing regulations for the 1952 crop of peanuts; the acreage allotment made to the farm under §§ 729.326 and 729.328 of the marketing quota regulations for the 1952 crop of peanuts; the peanut acreage harvested on the farm in 1953 as a result of allotments made under §§ 729.427 and 729.429 of the marketing quota regulations for the 1953 crop of peanuts; and the acreage allotment

made to the farm under §§ 729.427 and 729.429 of the marketing quota regulations for the 1953 crop of peanuts and: Provided further, That an allotment shall not be determined for any farm on which one acre or less of peanuts was harvested in each of the years 1951, 1952, and 1953, unless the county committee determines from available information that more than one acre of peanuts will be harvested on the farm in 1954.

§ 729.517 Determination of adjusted acreage. - The county committee shall determine an adjusted acreage for each old farm in the county (excluding farms on which one acre or less of peanuts was harvested in each year 1951, 1952, and 1953, unless the county committee determines from available information that more than one acre of peanuts will be harvested on any such farm in 1954) as follows:

(a) If peanuts were produced on a farm in 1953 for the first time since 1949, but no 1953 peanut acreage allotment was established for the farm, the county committee shall, on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts, determine an adjusted acreage for the farm which is fair and equitable in comparison with the adjusted acreages for other farms in the community which are similar with respect to such factors.

(b) For each old farm, excluding farms described in paragraph (a) of this section, the county committee shall adjust 1953 farm peanut acreages and establish adjusted acreages as provided herein:

(1) The county committee shall examine the 1953 farm peanut acreage and if abnormal conditions affected such acreage, the 1953 farm peanut acreage shall be increased to compensate for any reduction in the acreage resulting from such abnormal conditions; however, the acreage as so increased shall not exceed the 1953 farm allotment established for the farm.

(2) If a farm allotment was not established for 1953 for a farm on which peanuts were produced in any one or more of the years 1950, 1951, or 1952, the county committee shall determine an acreage for the farm which shall be considered the 1953 farm allotment for purposes of establishing an adjusted acreage for the farm. Such acreage shall be established in accordance with the regulations contained in §§ 729.410 to 729.432 of the marketing quota regulations for the 1953 crop of peanuts.

(3) The county committee shall compare the 1953 farm peanut acreage for each farm with the 1953 farm allotment for each farm. If the 1953 farm peanut acreage for a farm was less

than 75 percent of the 1953 farm allotment, a total of the farm peanut acreages for 1951, 1952, and 1953, shall be determined. The total acreage so determined shall be divided by 3, except that if the farm did not receive a farm allotment in 1951, the total shall be divided by 2, or if the farm did not receive a farm allotment in 1951 and 1952, the total shall be divided by 1. If the average of the farm peanut acreages for the farm, determined in accordance with this subparagraph, is less than the 1953 farm allotment for the purpose of determining the adjusted acreage for the farm, the average of the farm peanut acreages shall be considered as the 1953 farm allotment.

(4) The county committee shall examine the 1953 farm allotment for each farm after adjustments, if any, have been made under subparagraph (3) of this paragraph and may adjust such allotments downward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreages established for other old farms in the community which are similar as to the tillable acreage available for the production of peanuts. If a downward adjustment is made, the adjusted acreage for the farm shall be not less than the smaller of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the 1951-53 average peanut acreage for the farm.

(5) An acreage not in excess of 5 percent of the peanut acreage allotted to all old farms in the State in 1953 shall be made available to county committees by the State committee for making upward adjustments. The State committee shall determine if upward adjustments are to be made prior to or subsequent to determining adjusted acreages. If upward adjustments are to be made prior to determining adjusted acreages the county committee shall examine the 1953 farm allotment for each farm after adjustments, if any, have been made under subparagraphs (3) and (4) of this paragraph and may adjust such allotment upward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreage established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut acreage for 1951, 1952, and 1953; tillable acreage available; labor and equipment available for the production of peanuts; crop rotation practices; and the soil and other physical factors affecting the production of peanuts. If upward adjustments are to be made prior to determining adjusted acreage, the county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the largest farm peanut acreage for the farm for the years 1951, 1952, or 1953: Provided, however,

That such limitation shall not be applicable if the State and county committees find that the adjusted acreage as determined under the limitation is relatively smaller in relation to the farm peanut acreages for 1951, 1952, and 1953, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm, than the adjusted acreages for other old farms in the community which are similar with respect to such factors.

(6) The adjusted acreage for each old farm in the county shall be the 1953 farm allotment plus or minus any upward or downward adjustment made pursuant to subparagraphs (4) and (5) of this paragraph.

(c) The adjusted acreage determined for the farm in accordance with the foregoing provisions of this section shall not exceed the tillable acreage available for the farm.

§ 729.518 County reserves for late allotments and corrections. - The county committee shall estimate the acreage that will be needed in the county (1) to establish late 1954 allotments for old farms on which one acre or less of peanuts was picked or threshed in each year 1951, 1952, and 1953, but on which more than one acre of peanuts will be picked and threshed in 1954 and (2) for the correction of errors in farm allotments resulting from inaccurate or incomplete data used in establishing 1954 farm allotments. The reserve for late allotments and corrections recommended by the county committee shall be subject to adjustment by the State committee and shall be held as a State reserve.

§ 729.519 Allotments for old farms. - (a) If adjustments are to be made prior to determining preliminary allotments, as provided in § 729.517 (b)(5), the preliminary allotments determined pursuant to § 729.515 shall be the 1954 farm allotments.

(b) If the State committee determines, as provided in § 729.517 (b)(5), that upward adjustments shall be made subsequent to the determination of preliminary allotments, the county committee shall examine the 1954 preliminary farm allotment for each farm and may adjust such preliminary allotment upward if it determines that such adjustment is necessary to obtain a 1954 farm allotment for the farm which is comparable with the 1954 allotments established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut acreage for 1951, 1952, and 1953; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and the soil and other physical factors affecting the production of peanuts. If an upward adjustment is made, the farm allotment shall not exceed the larger of (1) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (2) the largest farm peanut

acreage for the farm for the years 1951, 1952, and 1953; Provided, however, That such limitation shall not be applicable if the State and county committees find that the allotment as determined under such limitations is relatively smaller in relation to the farm peanut acreage for 1951, 1952, and 1953, and the tillable acreage available for the production of peanuts on the farm, than the allotment for other old farms in the community which are similar with respect to such factors. The 1954 farm allotment shall be the preliminary allotment for the farm determined in accordance with section 729.515 plus any additional acreage allotted to the farm as an upward adjustment from the acreage made available to the county committee by the State committee pursuant to § 729.517 (b)(5).

§ 729.520 Allotments for farms divided or combined. - (a) Divisions.- If land operated as a single farm in 1953 will be operated in 1954 as two or more farms, the 1954 allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the divided farms in the same proportion as the acreage of cropland available for the production of peanuts for each such divided farm bears to the cropland available for the production of peanuts for the entire tract; except that the peanut acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1954 consists of two or more tracts which were separate and distinct farms before being combined for 1951, 1952, or 1953, be apportioned among the tracts in the same proportion that each contributed to the farm allotment for the year for which combined: Provided, That with the recommendation of the county committee and the approval of the State committee, the allotment determined for a divided farm pursuant to the preceding provisions of this paragraph may be increased or decreased by not more than the larger of one acre or ten percent of the 1954 farm allotment determined for the entire tract, with corresponding increases or decreases made in the allotment apportioned to the other divided farm or farms: Provided further, That if a farm is to be divided for 1954 in settling an estate, the allotment may be apportioned among the divided farms in accordance with this paragraph or on such basis as the State committee determines will result in equitable allotments.

(b) Combinations. - If two or more tracts which were operated as separate farms in 1953 are combined and operated as a single farm for 1954, the 1954 allotment shall be the sum of the 1954 allotments determined, or which otherwise would have been determined, for each of the tracts composing the combination.

§ 729.521 Normal yields for old farms. - The normal yield for an old farm the 1954 crop of peanuts shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately

preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee on the basis of the data which are available.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 729.522 Allotments for new farms. - (a) The farm allotment for a new farm shall be that acreage which the county committee, subject to the approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producers on the farm, the tillable acreage available, labor and equipment available for the production of peanuts on the farm, crop-rotation practices, and soil and other physical factors affecting the production of peanuts. The farm allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor: Provided, however, That such limitation shall not be applicable if the State and county committees find that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors.

(b) Notwithstanding any other provisions of this section, an allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) An application for a new farm allotment is filed by the farm operator and farm owner with the county committee prior to the closing date established by the State committee. In no event is the closing date to be earlier than January 15, 1954, or later than February 15, 1954.

(2) A producer on the farm shall have had experience in growing peanuts either as a share cropper, tenant, or as a farm operator or farm owner during at least two of the past five years: Provided, however, That a producer who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five years from date of discharge.

(3) The farm operator is largely dependent on the farm for his livelihood.

(4) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for 1954.

(c) One-half of one percent of the national peanut acreage allotment shall be available for establishing allotments for new farms; except that, if the total of the acreages required to establish fair and reasonable allotments and reserves for old farms in any State is less than the State allotment, the balance of such State allotment shall, upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms as determined by the county and State committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments determined by the county and State committees does not exceed one-half of one percent of the State's share of the 1954 national peanut acreage allotment, as determined by the Director, no adjustment will be made in the new farm allotments determined by the county and State committees;

(2) For any State for which the total of the new farm allotments determined by the county and State committees exceeds one-half of one percent of the State's share of the national acreage allotment, as determined by the Director, there shall be made available for new farm allotments in each such State an acreage equal to one-half of one percent of the State's share of the national acreage allotment; and

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments by the county and State committees that is in excess of the acreage made available under subparagraph (2) of this paragraph. The farm allotments determined by the county and State committees for new farms which receive acreage under subparagraph (2) of this paragraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage made available to the State for establishing allotments for such farms.

(4) If the total of the acreage required to establish fair and reasonable allotments and reserves for all old farms in the State and for all new farms in the State that meet the eligibility requirements set forth in paragraph (b) of this section is less than the State acreage allotment plus the acreage allocated to new farms in the State under this section, the balance of such acreage shall, upon approval of the Director,

be available for establishing allotments, on the basis of the factors specified in § 729.522 (a), for farms on which no peanuts were picked or threshed in 1951, 1952, or 1953, if each of the following conditions has been met:

(i) An application for an allotment is filed by the farm operator and farm owner with the county committee prior to the closing date established by the State committee which shall not be later than March 1, 1954.

(ii) The applicant is largely dependent on the farm for his livelihood.

(iii) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for 1954.

§ 729.523 Normal yields for new farms. - The normal yield for a new farm for the 1954 crop of peanuts shall be that yield per acre which the county committee determines is normal for the farm, as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of peanuts.

MISCELLANEOUS

§ 729.524 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year. - (a) If peanuts were marketed or were permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact were produced on a different farm, the acreage allotments established for both such farms for 1954 shall be reduced, as hereinafter provided, except that such reduction for any farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketings.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all peanuts produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the allotment for the farm shall be reduced, except that if the operator establishes to the satisfaction of the county and State committees that failure to furnish proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made.

(c) Any reduction shall be made with respect to the 1954 farm allotment, provided it can be made 30 days prior to the beginning of the normal planting season for the county in

which the farm is located, as determined by the State committee. If the reduction cannot be made effective with respect to the 1954 crop, such reduction shall be made with respect to the farm allotment next established for the farm. This section shall not apply if the farm allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1954 farm allotment shall be that percentage which the amount of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the amount of such peanuts involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting seasons, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar: Provided, That the estimate of such actual production of peanuts on the farm shall not exceed the harvested acreage of peanuts on the farm multiplied by the average actual yield per acre on farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm, as so estimated by the county committee, multiplied by the farm allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of peanuts for which satisfactory proof of disposition of peanuts on the farm is not known, the amount of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated as above, less the amount of peanuts for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 729.525 Release and reapportionment. - (a) Release of acreage allotments. Any part of the acreage allotted for 1954 to an individual farm in any county under the provisions of §§ 729.519 and 729.522 on which peanuts will not be produced and which the owner or operator of the farm voluntarily surrenders in writing to the county committee by the closing date established by the State committee, which shall not be later than July 1, 1954, shall be deducted from the allotment to such farm in accordance with instructions issued by the Assistant Administrator. If any part of the farm allotment is permanently released (i.e., for 1954 and all subsequent years), such release shall be in writing and signed by both the owner and the operator of the farm. If the entire 1954 farm allotment is permanently released, the farm shall not thereafter be eligible for a 1954 farm allotment as either an old farm or as a new farm, and the farm peanut acreages and farm allotments for 1954 and prior years shall not be considered in establishing an allotment for the farm for 1954 or any subsequent year.

(b) Reapportionment of released acreage allotment. The farm allotments released under paragraph (a) of this section shall be reapportioned by the county committee, in accordance with instructions issued by the Assistant Administrator, to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. Such reapportionment shall be made on the basis of applications filed on Form MQ-30-Peanuts (1954) by the farm owners or operators with the county committee not later than a closing date established by the State committee, which shall be not later than July 15, 1954.

(c) Maximum acreage allotment. No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) Credit for acreage allotment released for 1954 only. The release for 1954 only, of any part of the acreage allotted for 1954 to individual farms, pursuant to paragraph (a) of this section, shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment in 1955 because peanuts were not picked or threshed on the farm in 1952, 1953, or 1954. Any reapportionment of allotment under this section shall not operate to increase the allotment for any year subsequent to 1954 for the farm to which the acreage is reapportioned.

§ 729.526 Reallocation of allotments released from farms removed from agricultural production. - (a) The allotment determined or which would have been determined for any land which is removed from agricultural production in 1950 or any subsequent year for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or puchased by him equal to an allotment which would have been determined for the farm so acquired: Provided, That such allotment shall not exceed 50 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of peanuts from the farm by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any peanuts produced on such farm have not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of peanuts produced on or marketed from such farm.

§ 729.527 Additional acreage allotment for farms producing types of peanuts in short supply. - (a) The additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for 1954, less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any of the three years 1951, 1952, 1953 on the basis of the average picked and threshed acreage of peanuts of such type or types (excluding excess acreage) on each such farm during such period. The reserve for the correction of errors shall be determined by the State committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of one percent of the additional acreage apportioned to the State.

(b) The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.528 Approval of determinations and notice of farm allotment. - The State committee shall review farm allotments and normal yields and the State committee may correct or require the

correction of any determination made in connection therewith pursuant to §§ 729.510 to 729.530. Farm allotments shall be approved by the State committee and official notice of the farm allotment on Form MQ-24 shall not be issued for a farm until such allotment has been so approved. A Form MQ-24-Peanuts (1954), Notice of Farm Acreage Allotment and Marketing Quota for Peanuts, shall be prepared and mailed to the operator of each farm for which a farm allotment is established. Forms MQ-24 that are prepared for farms for which the farm allotments are reduced in accordance with § 729.524 shall be mailed to operators by registered mail.

§ 729.529 Application for review. - Any producer who is dissatisfied with the farm allotment or marketing quota established for his farm, may, within fifteen days after mailing of the official notice, file application with the county committee which issued such notice to have such allotment or quota reviewed. Farm allotments and marketing quotas shall be reviewed by a review committee in accordance with the marketing quota review regulations issued by the Secretary (7 CFR 711), a copy of which is available at the office of the county committee.

§ 729.530 Redelegation of authority. - Any authority delegated to the State committee by the regulations in §§ 729.510 to 729.530 may be redelegated by the State committee.

Done at Washington, D. C. this 1st day of October 1953. Witness my hand and the seal of the Department of Agriculture.

True D. Morse

Acting Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration

Instruction No.
1023 (Peanuts-54)-2

ACTION BY: State and County PMA Offices
Peanut-Producing States

COUNTY OFFICE INSTRUCTIONS
FOR DETERMINING ALLOTMENTS AND YIELDS - PEANUTS OF THE 1954 CROP

Approved

H. L. Manwaring
Assistant Administrator for Production

I PURPOSE

The purpose of this instruction is to furnish the procedure to be followed by county committees in establishing farm peanut acreage allotments and normal yields for the 1954 crop of peanuts. The instruction consists of the following sections:

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II GENERAL

A Definitions. - The terms used herein have the meanings assigned to them in Section 729.511 of the Regulations, 1023 (Peanuts-54)-1.

B Rule of Fractions. - All peanut allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre

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or more shall be rounded upward and fractions of fity thousandths of an acre or less shall be dropped. For example, 8.051 would be 8.1 and 8.050 would be 8.0.

C Forms and Instructions. - The following forms and instructions will be used in determining and issuing 1954 allotments:

1023 (Peanuts-54)-1	- Marketing Quota Regulations - Peanuts of the 1954 Crop
1023 (Peanuts-54)-2	- County Office Instructions for Determining Allotments and Yields - Peanuts of the 1954 Crop
PMA-487 or PMA-619	- Farm Record Sheet
PMA-529-Peanuts (1954)	- 1954 Peanut Listing Sheet
MQ-24-Peanuts (1954)	- Notice of Farm Acreage Allotment and Marketing Quota for Peanuts
MQ-25-Peanuts (1954)	- Application for New Farm Allotment and Marketing Quota - Peanuts - 1954
MQ-29-A-Peanuts (1954)	- Release for 1954 Only of Unused 1954 Farm Peanut Acreage Allotment
MQ-29-B-Peanuts (1954)	- Permanent Release of Unused 1954 Farm Peanut Acreage Allotment
MQ-30-Peanuts (1954)	- Application for Adjustment in 1954 Farm Peanut Allotment from Released Acreage

III ALLOTMENTS FOR OLD FARMS

A Preparation of Form PMA-487 or PMA-619. - A Form PMA-487 or PMA-619 shall be prepared for each farm on which more than 1.0 acre of peanuts was produced in 1954, but for which Form PMA-487 or PMA-619 has not been heretofore prepared. Farm data on Form PMA-487 or PMA-619 for all peanut farms shall be brought up to date in accordance with instructions issued by the State committee.

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B Listing Farm Data on PMA-529. - Enter the names of the community, State, county, and the sheet number in the spaces provided in the lower left corner of each sheet. Farm data shall be obtained from PMA-487 or PMA-619 and other county office records and listed in numerical order according to farm number.

Data for farms removed from agricultural production because of acquisition in accordance with Section 729.526 of the regulations shall not be listed on the same listing sheet with other farms. A listing sheet identified by entering the words "Allotments Released from Farms Removed from Agricultural Production" above the title of the listing sheet shall be used in writing data for these farm. Allotments for such farms shall be determined in the regular manner and the totals of the columns on this listing sheet shall be reflected in the county totals.

List data for each farm on which more than one acre of peanuts was harvested in any year 1951, 1952, or 1953 and for farms on which less than one acre of peanuts was harvested in each year 1951, 1952, or 1953, if the county committee has reason to believe that more than one acre of peanuts will be harvested on such farms in 1954. Also, list data for farms for which a 1953 peanut allotment was established but on which no peanuts were picked or threshed in each year 1951, 1952, or 1953. Unless the county committee determines, in accordance with the definition of "old farm" in Section 729.511 (k) of the regulations, that peanuts were planted on the farm in any year 1951, 1952, or 1953 but were not picked or threshed in any such year because of abnormal conditions affecting acreage, circle the data in Columns 3 through 8 for such farms and enter the notation "Not Eligible for 1954 Allotment" for each such farm in Columns 21 through 23. (NOTE: Do not list data for farms on which more than one acre of peanuts was harvested in 1951 or 1952 if the entire 1953 allotment was released permanently. If the operator on such a farm desires an allotment for 1954, the allotment will be determined on the basis of a new peanut farm.)

Column 1. - Enter the farm number.

Column 2. - Enter the name of the farm operator. The address of the farm operator may be entered if the county committee so desires.

Column 3. - Enter the 1954 cropland acreage determined in accordance with the definition of cropland in Section 729.511 of the regulations.

Column 4. - Enter the tillable acreage available. The tillable acreage available shall be determined for each farm in accordance with the definition of tillable acreage available in Section 729.511 of the regulations.

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Column 5. - Enter the 1951 farm peanut acreage. If the 1951 farm peanut acreage is greater than the 1951 farm allotment, enter the 1951 farm allotment. If the 1951 farm peanut acreage was adjusted in accordance with Section 729.320 of the 1951 regulations to compensate for abnormal conditions affecting acreage, circle the farm peanut acreage and enter the adjusted 1951 farm peanut acreage above the circled entry.

If the farm received an increase in the 1951 allotment from released acreage or from the additional acreage allotted to farms producing Virginia or Valencia types of peanuts and the 1951 farm peanut acreage exceeds the allotment established for the farm prior to such increase, enter the allotment established for the farm prior to the increase in Column 5.

If the entire 1951 farm peanut allotment was released for 1951 only, enter the 1951 allotment in Column 5. If a part of the 1951 farm peanut allotment was released for 1951 only, add the released portion of the allotment to the 1951 farm peanut acreage and enter the result in Column 5. If such entry exceeds the allotment established for the farm prior to the release, enter the allotment established for the farm prior to the release. If the 1951 farm peanut allotment was released because the farm was removed from Agricultural production because of acquisition in accordance with Section 729.526 of the regulations, enter the 1951 allotment for the farm in Column 5.

Column 6. - Enter the 1952 farm peanut acreage. If the 1952 farm peanut acreage is greater than the 1952 farm allotment, enter the 1952 farm allotment.

If a farm received an increase in the 1952 allotment from released acreage or from the additional acreage allotted to farms producing Virginia or Valencia types of peanuts and the 1952 farm peanut acreage exceeds the allotment established for the farm prior to such increase, enter the allotment established for the farm prior to the increase in Column 6.

If the entire 1952 farm allotment was released for 1952 only, enter the 1952 allotment in Column 6. If a part of the 1952 farm peanut allotment was released for 1952 only, add the released portion of the allotment to the 1952 farm peanut acreage and enter the result in Column 6. If such entry exceeds the allotment established for the farm prior to the release, enter in Column 6 the allotment established for the farm prior to the release.

If the 1952 farm allotment was released because the farm was removed from agricultural production because of acquisition in accordance with Section 729.526 of the regulations, enter the 1952 allotment for the farm in Column 6.

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Column 7. - Enter the 1953 farm peanut acreage. If the 1953 farm peanut acreage is greater than the 1953 farm allotment, enter the 1953 farm allotment.

If the farm received an increase in the 1953 allotment from released acreage or from additional acreage allotted to farms producing Valencia type peanuts and the 1953 farm peanut acreage exceeds the allotment established for the farm prior to such increase, enter in Column 7 the allotment established for the farm prior to the increase.

If the entire 1953 farm allotment was released for 1953 only, enter the 1953 allotment in Column 7. If a part of the 1953 farm allotment was released for 1953 only, add the released portion of the allotment to the 1953 farm peanut acreage and enter the result in Column 7. If such entry exceeds the allotment established for the farm prior to the release, enter in Column 7 the allotment established for the farm prior to the release.

If the 1953 farm allotment was released because the farm was removed from agricultural production because of acquisition in accordance with Section 729.526 of the regulations, enter the 1953 allotment for the farm in Column 7.

If the 1953 farm peanut acreage has not been finally determined at the time Column 7 is executed, enter in Column 7 the smaller of the 1953 farm allotment or the 1953 planted acreage. In each case where the final farm peanut acreage is determined and entered on the 1953 performance report after Column 7 has been executed, the entry in Column 7 shall be corrected where necessary. At the time each correction is made, the data for the farm shall be reviewed by the county office manager to determine whether the correction would result in changing the allotment for the farm. If so, a corrected listing sheet shall be prepared as provided in Section V.

Committee Adjustments of 1953 Farm Peanut Acreages. - The 1953 farm peanut acreage listed in Column 7 shall be reviewed by the county committee with the assistance of the community committee to determine if the acreage is unusually low due to drought, flood, hail, other abnormal weather conditions, severe insect infestation, or other abnormal conditions affecting acreage. In each such case, the county committee shall adjust the farm peanut acreage to the extent necessary to off-set the abnormal conditions that affected the acreage by circling the farm peanut acreage in Column 7 and entering the adjusted acreage immediately above the circled entry. The county committee shall not adjust the 1953 farm peanut acreage in excess of the 1953 farm allotment. The reason for the adjustment shall be entered in Columns 21 through 23 of the listing sheet.

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Column 8. - Enter the 1953 farm allotment. If a farm received an increase in the 1953 allotment from released acreage or from the additional acreage allotted to farms producing Valencia type peanuts, the figure to be entered in Column 8 is the allotment for the farm prior to such increases. If all or a portion of the 1953 allotment for a farm was released for 1953 only, the figure to be entered in Column 8 is the allotment established for the farm prior to the release. If a part of the 1953 allotment for a farm was released permanently, the figure to be entered in Column 8 is the allotment shown in Item 4 of MQ-29-B-Peanuts (1954).

If peanuts were produced on a farm in 1951 or 1952 (or in 1950 if peanuts were also produced on the farm in 1953) but no 1953 allotment was established for the farm, the county committee shall determine an acreage for the farm based on the past acreage of peanuts (excluding acreage in excess of the allotment that should have been established for the farm), taking into consideration the acreage allotments that should have been established for the farm; abnormal conditions affecting acreage; the tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. Such acreage shall be entered in Column 8 and shall be considered the 1953 farm allotment for the purpose of establishing the 1954 indicated allotment. An explanation concerning the acreage shall be entered in Columns 21 through 23.

If the 1953 allotment for a farm was reduced because of a violation of the peanut marketing quota regulations, enter in Column 8 the allotment established for such farm before such reduction.

Adjustments for Underplanting in 1953. - The uncircled 1953 farm peanut acreage for each farm in Column 7 shall be compared with the 1953 allotment in Column 8. If the uncircled 1953 farm peanut acreage is less than 75 percent of the 1953 allotment, add the uncircled entries in Columns 5 and 6 of the uncircled farm peanut acreage in Column 7. Divide the total by 3 except that, if the farm did not receive a farm allotment for 1951 the total shall be divided by 2, or if the farm did not receive a farm allotment for 1951 and 1952 the total shall be divided by 1.

If the result of this computation is less than the 1953 allotment, circle the allotment in Column 8, and enter above or beside the circled entry, such result.

Totals. - After entries in Columns 1 through 8 have been completed, obtain and check the page, community, and county totals for Columns 3

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through 8. (Total of uncircled entries for all columns.) Enter the number of farms listed in the total line of Column 2.

Determination of Tillable Acreage Factor. - A tillable acreage factor for the county shall be determined except that if the county committee determines that between communities there is a wide variation in the percentage of tillable acreage available that is customarily devoted to peanuts, a factor shall be determined for each community. Compute the tillable acreage factor by dividing the total of Column 4 into the total of Column 8. The factor shall be carried to four places beyond the decimal. Enter the factor in the space provided in the lower right corner.

Column 9. - Downward Adjustments. - The county committee shall examine the acreages in Column 8 and may adjust such acreages downward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreages established for other old farms in the community which are similar as to the tillable acreage available for the production of peanuts. If a downward adjustment is made, the adjusted acreage for the farm shall be not less than the smaller of the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or the 1951-53 average peanut acreage for the farm. Downward adjustments shall be recorded in Column 9 and shall be preceded by a minus sign.

Upward Adjustments. - The State committee shall advise the county committee of the acreage available for making upward adjustments in the county on the basis of the farm peanut acreages for 1951, 1952, and 1953; the tillable acreage available; labor and equipment available for the production of peanuts, crop-rotation practices, and the soil and other physical factors affecting the production of peanuts. Upward adjustments shall only be made in Column 9 for those farms where the county committee determines that an adjustment is necessary in order to obtain an adjusted acreage for a farm that is comparable to the adjusted acreages established for other old farms in the community which are similar with respect to such factors. The State committee shall also advise the county committee whether upward adjustments shall be made in Column 9 or whether upward adjustments shall be made in Column 12 after preliminary allotments have been determined. If the State committee determines that adjustments shall be made in Column 9, the county committee may use the sum of the downward adjustments made in Column 9 in addition to the acreage made available by the State committee for making upward adjustments for farms in the county. If an upward adjustment is made, the adjusted acreage for the farm shall be not more than the larger of the result obtained by multiplying the tillable acreage available by the tillable acreage factor or the largest uncircled farm peanut acreage for the

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farm for the years 1951, 1952, or 1953. The maximum acreage limit described in this paragraph shall not be applicable if the county committee determines that the adjusted acreage as determined under the limitation is relatively smaller in relation to the adjusted acreages for other old farms in the community which are similar with respect to such factors and the State committee concurs in the findings and recommendations of the county committee.

Column 10. - If neither an increase nor a decrease is entered in Column 9 for the farm, enter in Column 10 the uncircled acreage shown in Column 8. If a decrease is entered in Column 9 for the farm, enter in Column 10 the result obtained by subtracting the entry in Column 9 from the uncircled entry in Column 8. If an increase is entered in Column 9 for the farm, enter in Column 10 the result obtained by adding the uncircled entry in Column 8 to the entry in Column 9. The entry in Column 10 for a farm shall not exceed the entry in Column 4 for such farm. If it is necessary to reduce an entry in Column 10 because such entry exceeds the entry in Column 4, a detail explanation as to the reason for the decrease in the tillable acreage available shall be attached to the listing sheet.

Computation of Adjusted Acreage for Farms Having No 1953 Allotment. - For each farm on which peanuts were produced in 1953, but for which no 1953 allotment was established because no peanuts were produced on the farm in 1950, 1951, or 1952, an adjusted acreage shall be determined by the county committee on the basis of the tillable acreage available, labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. Such adjusted acreage shall be fair and equitable, as compared with adjusted acreages for similar farms in the community. Enter the adjusted acreage in Column 10 of the listing sheet. Enter the 1953 farm peanut acreage in Column 8. Circle the entry in Column 8 and enter a zero above the circled entry. An explanation concerning the acreage shall be entered in Columns 21 through 23.

Totals. - Enter the page, community, and county totals of Columns 9 and 10. Enter separate totals of downward and upward adjustments in Column 9.

C Determination of Recommended Reserve for Late Allotments and for Corrections. - On the basis of experience under past agricultural programs, the county committee shall determine the acreage that will be needed (1) to establish late 1954 allotments for old farms on which less than one acre of peanuts was picked and threshed in each year 1951, 1952, and 1953 but on which more than one acre of peanuts will be picked or threshed in 1954 and (2) for the correction of errors in allotments

resulting from incomplete or inaccurate farm data. The reserve recommended by the county committee is subject to approval or adjustment by the State committee. The reserve for late allotments and for corrections shall be held as a State reserve.

D Preparation of County Peanut Acreage Allotment Summary. - Prepare the county allotment summary on FMA-529 in duplicate as follows:

1 Enter the words "Summary of" above the title of the form.

2 Enter the county totals for the listing sheets in the appropriate columns on the summary.

3 Enter in the heading of Column 20 "Reserve for late allotments and for corrections". Enter in Column 20 the acreage recommended by the county committee as the reserve for late allotments and for corrections.

4 The approval of the county committee shall be indicated by one member of the county committee signing in the space provided and entering the date.

E State Committee Approval. - When the listing sheets have been prepared in accordance with the above instructions and the county summary prepared and approved as provided above, the listing sheets and the county summary (with carbon inserts of both forms intact) shall be forwarded to the State office.

F Computation of Farm Allotments. - After allotment factors have been determined by the State committee, the listing sheets and the county summary will be returned to the county office.

1 If upward adjustments have been recorded in Column 9, compute farm allotments as follows (unless farm allotments have been determined by the State committee):

a Enter the allotment factor in the space provided on the listing sheet.

b Multiply the adjusted acreage for each farm in Column 10 by the allotment factor and enter the result in Column 13.

c Enter the total of Column 13 on the line provided. The total of Column 13 must equal the result obtained by multiplying the total of Column 10 by the allotment factor except for a slight variation due to rounding fractions.

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d If farm allotments are computed in the county office, forward the original listing sheets to the State office. The State committee will arrange for the listing sheets to be officially approved in the State office or by having their representative approve them in the county office.

2 If upward adjustments are to be recorded in Column 12, compute farm allotments as follows:

a Enter the allotment factor in the space provided on the listing sheet.

b Unless preliminary allotments have been computed in the State office, compute preliminary allotments by multiplying the adjusted acreage for each farm in Column 10 by the allotment factor. Enter the result in Column 11.

c Enter the total of Column 11 on the line provided. The total of Column 11 must equal the result obtained by multiplying the total of Column 10 by the allotment factor except for a slight variation due to rounding fractions.

d If the State committee has determined that upward adjustments should be made after preliminary allotments have been established, such adjustments shall be recorded in Column 12 and shall be based on the farm peanut acreages for 1951, 1952, and 1953; the tillable acreage available for the production of peanuts; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. Adjustments shall only be made in these instances where the county committee determines that an adjustment is necessary in order to obtain an allotment for a farm that is comparable to the allotment established for other old farms in the community which are similar with respect to such factors. If an upward adjustment is made, the 1953 allotment for the farm shall be not more than (1) the larger of the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (2) the largest peanut acreage for the farm for the years 1951, 1952, or 1953. The maximum acreage limit described in this paragraph shall not be applicable if the county committee determines that the farm allotment, as determined under the limitation, is relatively smaller in relation to allotments for other old farms in the community which are similar with respect to such factors and the State committee concurs in the findings and recommendations of the county committee.

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e For each farm, enter in Column 13 the result obtained by adding the entry in Column 11 to the entry in Column 12.

f Forward the listing sheets to the State office. The State committee will arrange for the listing sheets to be officially approved in the State office or by having its representative approve them in the county office.

IV ALLOTMENTS FOR NEW FARMS

A Preparation of MQ-25. - Each farm operator and/or farm owner who desires a 1954 peanut allotment for a farm on which peanuts were not produced in 1951, 1952, or 1953 shall make application to the county committee before the closing date established by the State committee for filing for a new farm allotment. Each applicant shall furnish the information necessary to complete the application, MQ-25, and sign and date the application in the space provided. If the owner and operator of the farm are not one and the same person, the application must be signed by both the owner and the operator. (NOTE: If any peanuts were produced in 1951, 1952, or 1953 on the farm for which an application for a new farm allotment is made, but an old farm allotment was not established for the farm either because of error or because the farm peanut acreage was 1.0 acres or less, the farm is not eligible for a 1954 new farm allotment. In such case, an allotment shall be established in accordance with Section V of this instruction.)

B Determination of Recommended Allotment.

1 Review of Data. - The county committee, with the assistance of the community committee, shall examine the data on each application, MQ-25, on the basis of the committee's knowledge of the farm and the applicant's farming operations, county office records, and other available information. Where it is determined that data are in error, the correct data shall be determined and entered on the application, MQ-25, and the original entry shall be lined through and initialed by a county committeeman.

2 Determination of Eligibility. - Each application for a new farm allotment shall be examined by the county committee to determine that the conditions of eligibility set forth in Section 729.522 of the regulations have been met. For each application determined to be ineligible, an allotment notice, MQ-24, showing "None" as the allotment, shall be mailed to the applicant, together with a letter from the county committee stating the reason(s) for ineligibility.

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3 Community Committee Recommendation of Allotment. - For each eligible application, the community committee shall enter a recommended allotment in the space provided on MQ-25. The recommended allotment shall be the acreage determined by the committee to be fair and reasonable for the farm, taking into consideration the peanut growing experience of the producers; the tillable acreage available; labor and equipment available for the production of peanuts, crop-rotation practices; and soil and other physical factors affecting the production of peanuts. A member of the community committee shall sign the application, MQ-25, in the space provided.

4 County Committee Approval of Recommended Allotment.

a The county committee shall review the allotment recommended by the community committee on the basis of the data shown on the application, MQ-25, and the factors set forth in paragraph 3 above. The allotment recommended by the community committee shall be adjusted where necessary to reflect fair and equitable allotments for all eligible new farms in the county. The allotment recommended by the county committee shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor. This limitation shall not be applicable if the county committee determines that the recommended allotment determined under the limitation is relatively smaller in relation to the recommended allotments for other new farms in the community which are similar with respect to the tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and the soil and other physical factors affecting the production of peanuts, and the State committee concurs in the findings and recommendations of the county committee.

b Where the county committee adjusts the allotment recommended by the community committee, the original entry in the space provided for the recommended allotment on MQ-25 shall be circled and the adjusted acreage entered immediately following the circled entry. A member of the county committee shall sign the application in the space provided.

C Preparation of Listing Sheet for New Farms. - All approved applications for new farm allotments shall be listed on PMA-529 in numerical order. The names of the community, State, and county and the sheet numbers shall be entered in the spaces provided. The listing sheet shall be identified by entering "New farms" above the title of the form. List the following data from each approved application, MQ-25, writing in appropriate titles for the headings of the columns:

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Column 1. - Farm number.

Column 2. - Name and address of operator.

Column 3. - Cropland acreage.

Column 4. - Tillable acreage available.

Column 11. - County committee recommended allotment.

Totals. - Obtain and enter the totals for Columns 3, 4, and 11.

D Transmittal to State Office. - Both the original and copy of the listing sheet and the carbon copy of the applications for new farm allotments shall be transmitted to the State office not later than 10 days after the closing date established by the State committee for filing for new farm allotments. As soon as it is determined whether an adjustment must be made to bring all new farm allotments in line with the new farm reserve, the applications and the original listing sheets, with the approved allotments entered by the State office in Column 13, will be returned to the county office.

V CORRECTIONS AND RECONSTITUTIONS

(NOTE: All allotments for "Corrections", "Supplementals", "Combinations", and "Divisions", shall be determined as provided in this Section V, and must be approved by the State committee or its authorized representative before notice of the revised allotment is issued. However, those parts of the instructions in this Section V relating to the preparation of listing sheets and their transmittal to the State office may be disregarded if different instructions are issued by the State committee.)

A Corrections. - Whenever an error is discovered in any basic data which would affect the peanut allotment established for a farm, the county committee shall immediately make appropriate corrections and redetermine the farm allotment. The corrected allotment shall be the allotment which would have been determined on the basis of the correct data for the farm. Data for each corrected allotment shall be listed on PMA-529, identified as "Corrections". Data shall be listed for the farm as originally shown on PMA-529 and the corrected data listed on the following line. The plus and minus difference in the farm allotment shall be shown in the next following line in Column 13. The net increase in farm allotments

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shall be taken from the State reserve for late allotments and for corrections. The original listing for the farm on PMA-529 shall be lined through for each approved correction and a cross reference to the corrected listing entered in the margin.

B. Supplementals. - Whenever it is discovered that an allotment was not established for an eligible old farm, the county committee shall determine an allotment for the farm as provided in Section III. Data for such supplemental allotments shall be listed on PMA-529 identified as "Supplementals". The acreage required for supplemental allotments will be taken from the State reserve for late allotments and for corrections.

C. Divisions. - If land operated as a single farm in 1953 is divided and operated for 1954 as two or more farms, the 1954 peanut allotment shall be redetermined for the several farms in accordance with the provisions of Section 729.520 of the regulations. The allotment originally determined for the entire tract shall be apportioned among the divided farms in the same proportion as the cropland available for the production of peanuts for each farm bears to the total cropland available for the production of peanuts for the entire tract, if the tract to be divided resulted from a combination of two or more farms prior to 1951. The entire cropland on the farm will be considered as available for the production of peanuts unless, because of the topography of the land or soil type, the county committee determines that all or a part of the cropland is not available for the production of peanuts. If, however, the tract to be divided for 1954 resulted from a combination of two or more separate and distinct farms before being combined for 1951, 1952, or 1953, the allotment and history acreage shall be divided among such farms in the same proportion that each contributed to the farm acreage allotment for the year for which combined. The allotment determined for a divided farm in accordance with this paragraph may be increased or decreased by the county committee by not more than the larger of one acre or ten percent of the 1954 allotment determined for the entire tract, with corresponding increases or decreases made in the allotment apportioned to the other divided farm or farms, if the State committee approves such action. Data for divided farms shall be listed on PMA-529 identified as "Divisions". The original data shall be listed on the first line and the data for the divided farms on the succeeding lines. The original listing for the farm on PMA-529 shall be lined through and a cross reference to the "Division" listing entered in the margin.

D. Combination. - If two or more tracts of land for which separate 1953 peanut allotments were established are combined and operated as a

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single farm for 1954, the 1954 allotment for the farm shall be the sum of the allotments determined for the tracts composing the combination. Data for each combination shall be listed on PMA-529 identified as "Combinations". Data for the tracts as originally listed shall be entered on the first and succeeding lines of the "Combination" listing. On the following line, the sum of the data will be listed in the respective columns. The original listing for the tracts being combined shall be lined through and a cross reference to the "Combination" listing entered in the margin.

E Transmittal to State Office. - The originals and copies of the listing sheets, PMA-529, for corrections, supplementals, divisions, and combinations of allotments, determined as provided above, shall be transmitted to the State office for approval before the allotment notice, MQ-24, is issued. In each such case where the allotment for a divided farm is apportioned on a basis other than the total cropland on the farm, the listing sheet must be accompanied by a statement, signed by a member of the county committee, justifying the method used in apportioning the allotment.

VI REDUCTION OF ACREAGE ALLOTMENT FOR VIOLATION OF THE MARKETING QUOTA REGULATIONS FOR A PRIOR MARKETING YEAR

If a reduction of acreage allotment for violation of the marketing quota regulations for 1949, 1950, 1951, 1952, or 1953 is necessary in order to comply with Section 729.524 of the regulations, the original allotment determined for the farm in Column 13 of PMA-529 shall be circled and the reduced allotment, determined in accordance with the provision of Section 729.524 of the regulations, entered immediately above the circled allotment.

VII NOTICES OF ALLOTMENT AND QUOTA

A Preparation of Notice, MQ-24. - After the listing sheets have been approved by the State committee or its authorized representative, farmers shall be notified of their 1954 farm allotments and marketing quotas on MQ-24, which shall be prepared as follows:

1 Enter in the space provided in the upper right corner the State and county code number and farm serial number. If the farm operator will receive allotment notices for more than one farm in the county, enter in the space provided a short identification of the farm, such as "1 mile South of Farmville on Old Valley Pike", "Old Smith Place", or the identity by Section and Township.

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2 Enter in the space provided the name and address of the farm operator.

3 Enter in the space provided in Section I the 1954 farm allotment.

4 Enter in the space provided at the bottom of the form, before "County Committee", the name and address of the county office.

5 Enter the date in the space provided. The date must be the exact date of mailing of the notice to the farm operator.

6 The form shall be signed by a member of the county committee in the space provided.

7 If the notice is being prepared for a correction, division, or combination allotment, enter the word "REVISED" preceding the allotment.

8 If a 1954 allotment was not established for a farm for which a 1953 allotment was established because no peanuts were picked or threshed on the farm in 1951, 1952, or 1953, or if an application for a new farm allotment is determined to be ineligible, or if no allotment is determined for an old farm because the tillable acreage available for the production of peanuts has been determined to be zero, an MQ-24, showing "None" as the allotment shall be mailed to the farm operator, together with a letter from the county committee explaining why no allotment was established.

9 If an allotment of less than 1.0 acre is determined for a farm, an MQ-24 showing the actual allotment established shall be prepared and mailed to the farm operator. In addition, a letter shall be sent to the farm operator explaining that even though the allotment is less than one acre, as much as one acre of peanuts may be grown and picked or threshed without penalty; and that if the acreage picked or threshed for 1954 is more than one acre, the excess acreage subject to penalty will be the acreage in excess of the acreage shown on the allotment notice.

10 An MQ-24 shall not be prepared for farms on which no allotment is established because the acreage in each year 1951, 1952, and 1953 was not in excess of one acre. If it is found at the time performance is determined that more than one acre of peanuts is picked or threshed on such farm, a "Supplemental" allotment shall be determined at that time.

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B Delivery of Notice. - After all entries on MQ-24 have been completed and checked, the original shall be mailed to the farm operator. The carbon copy shall be retained in the county office file. In any case where the allotment for a farm is being reduced for a violation of the marketing quota regulations in accordance with Section 729.524 of the regulations, the Form MQ-24, together with a letter from the county committee explaining why the allotment was reduced, shall be sent to the farm operator by registered mail.

NOTE: IN NO EVENT SHALL A PRODUCER BE VERBALLY ADVISED OF THE ALLOTMENT ESTABLISHED FOR A FARM UNLESS SUCH INFORMATION IS FIRST VERIFIED AGAINST THE ORIGINAL OR FILE COPY OF THE OFFICIAL NOTICE, MQ-24, MAILED TO THE FARM OPERATOR.

C Public Posting of Allotments. - It will not be necessary to prepare a list of farm allotments for public posting. The yellow copies of MQ-24 may be placed in a binder and made available for inspection by interested persons during the 30-day period following the delivery or mailing of notices. If this is done, a short public notice shall be posted in the post office, court house, or other public buildings, stating that farm peanut allotments for the 1954 crop have been established, that notices have been mailed, and that a complete list of all allotments is available for inspection in the office of the county committee. (NOTE: This will meet the provision of the Act which requires the posting of farm allotments and marketing quotas.)

VIII REALLOCATION OF ALLOTMENTS RELEASED FROM FARMS REMOVED FROM AGRICULTURAL PRODUCTION

The displaced owner of a farm removed from agricultural production because of acquisition by a Federal, State, or other agency having a right of eminent domain may within five years of the date of such acquisition make application to the county committee to have the allotment which was released from the acquired farm placed on another farm owned or acquired by him. The application shall be in writing and shall be filed with the county committee of the county in which is located the farm for which an allotment is to be established.

The county committee shall submit the application to the State committee with a statement showing (a) the farm serial number, the peanut acreage allotment, and the acreage of cropland on the farm for which an allotment is to be established, and (b) the county code and farm serial number, the peanut acreage allotment, and the date of acquisition for the farm removed from agricultural production.

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(VIII)

When a 1954 allotment for a farm has been established by the State committee under Section 729.526 of the regulations, a copy of the listing sheet on which such allotment was established, will be sent to the county committee. The county committee shall notify the producer of the allotment established for the farm by preparing and mailing Form MQ-24.

IX RELEASE OF ALLOTMENTS

A Eligibility for Release. - Any part or all of the unused portion of the 1954 peanut acreage allotment established for a farm may be voluntarily released by the owner or operator "for 1954 only". Any part or all of the unused portion of the 1954 peanut acreage allotment established for a farm may be voluntarily released "permanently" by the owner and operator.

B Release of Unused 1954 Farm Peanut Acreage Allotments to County Committees. - The county committee may accept the release of all or any part of unused 1954 farm peanut acreage allotments by requiring:

1 The owner or operator of an eligible farm to file a properly executed Form MQ-29-A-Peanuts (1954), "Release for 1954 Only of Unused 1954 Peanut Acreage Allotment", if all or any part of the unused farm acreage allotment is to be released for "1954 only", or

2 The owner and operator of an eligible farm to file a properly executed Form MQ-29-B-Peanuts (1954), "Permanent Release of 1954 Farm Peanut Acreage Allotment", if all or any part of the unused farm acreage allotment is to be released "permanently".

Such forms must be filed with the county committee by a closing date established by the State committee, which date shall be late enough to permit acreages to be released after owners and operators have had ample time to decide definitely not to plant the acreage in 1954 but such date shall be not later than July 1, 1954.

Forms MQ-29-A-Peanuts (1954) shall be signed by either the owner or the operator, except that whenever such form is signed by only the farm operator and the county committee feels that the release may not meet with the approval of the owner for such farm, the county committee may require the signature of the owner.

Form MQ-29-B-Peanuts (1954), shall be signed by both the owner and the operator of the farm.

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C Preparation of MQ-29-A and MQ-29-B. - Forms MQ-29-A and MQ-29-B shall be executed as follows:

1 The farm serial number and the State and county code numbers shall be entered in the spaces provided in the upper right hand corner.

2 The name of the county shall be entered in the space provided.

3 Enter in Item 1, the 1954 farm allotment.

4 Enter in Item 2, the total acreage on the farm in 1954 on which peanuts will be produced.

5 Enter in Item 3 that portion of the 1954 farm allotment which the owner and/or operator desires to release voluntarily. This entry shall not exceed the difference between Item 1 and Item 2. The county committee shall advise the owner and/or operator to retain an acreage allotment equal to or in excess of the acreage on which peanuts will be dug on the farm in 1954.

6 Enter in Item 4, the result obtained by subtracting the entry in Item 3 from the entry in Item 1. This will be the revised 1954 farm peanut acreage allotment.

The county committee shall inform the owner and/or operator of the representations in the last paragraph of Forms MQ-29-A and MQ-29-B, as the case may be, in order that such representations will be thoroughly understood.

D Preparation of Notice of Revised Allotment on MQ-24. - An MQ-24, shall be prepared and mailed to the farm operator of each farm for which an MQ-29-A or MQ-29-B is filed and accepted by the county committee.

Form MQ-24 shall be prepared in the regular manner except that the revised acreage allotment shall be entered from Item 4 of MQ-29-A or MQ-29-B, whichever is applicable. The words "REVISED ALLOTMENT BECAUSE OF RELEASED ACREAGE - REPLACES ANY PREVIOUS NOTICE OF ALLOTMENT FOR THIS FARM" shall be typed in CAPITAL LETTERS on the face of the notice.

E Listing Released Acreage Allotments on PMA-529. - For the purpose of recording released acreage allotment, a listing sheet, Form PMA-529, shall be prepared and used as follows:

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1 Enter the words "Released Acreage Allotment" above the title of the listing sheet.

2 Correct the following column headings to read:

Column 3 - 1954 Farm Allotment
Column 4 - Released Acreage
Column 5 - Final 1954 Allotment

3 List data in Columns 1 through 5 for all accepted Forms MQ-29-A and obtain and list totals for Columns 3 through 5.

4 List data in Columns 1 through 5 for all accepted Forms MQ-29-B and obtain and list totals for Columns 3 through 5.

5 Obtain and list totals for Columns 1 through 5 for all accepted Forms MQ-29-A and MQ-29-B. The total of Column 4 is released acreage available for reapportionment to other farms in the county.

F Correcting Allotments on PMA-529. - Refer to the approved listing sheet for each farm for which a Form MQ-29-A or MQ-29-B was accepted and circle the allotment for each farm and enter the final allotment immediately above the circled entry. Enter an explanation of the reduction in allotment in Columns 21 through 23 such as "temporary release" or "permanent release".

X REAPPORTIONMENT OF RELEASED ACREAGE

A Reapportionment of Released Acreage. - The county committee shall reapportion the released acreage allotments to other farms in the county in amounts which are fair and reasonable on the basis of the tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. The county committee shall not reapportion any of the released acreage to farms where the 1954 allotments for such farms have been reduced because of violation of the marketing quota regulations in accordance with Section 729.524 of the regulations. In no event should the release and reapportionment of allotments be handled in such a way that two producers may agree on a "transfer" of allotment from one farm to another.

Each owner or operator of a farm who desires an adjustment in the 1954 peanut acreage allotment for his farm from available released acreage

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shall file an application with the county committee by not later than the closing date established by the State committee, which shall not be later than July 15, 1954. Form MQ-30-Peanuts (1954), "Application for Adjustment from Released Acreage", shall be used in applying for such adjustment and shall be prepared as follows:

1 Enter in the spaces provided the State and county code number and the farm serial number.

2 Enter the name and address of the applicant and properly designate whether such applicant is the owner or operator of the farm.

3 Enter in the space provided the applicant's reasons for requesting an adjustment in the acreage allotment for the farm.

4 Data shall be entered in Items A through D as follows:

Item A - Enter the currently approved 1954 peanut allotment for the farm.

Item B - Enter the additional acreage allotment requested by the applicant.

NOTE: After Form MQ-30 has been completed through Item B, the applicant's attention shall be called to the representations on the form. The form shall be signed and dated in the space provided.

Item C - Enter the additional allotment granted by the county committee.

Item D - Enter the revised allotment.

A member of the county committee shall sign the form in the space provided.

B Correcting Allotments on PMA-529. - Refer to the approved listing sheet for each farm that received an increase in allotment from released acreage and circle the allotment for each such farm and enter the final allotment immediately above the circled entry. Enter an explanation of the increase in allotment in Columns 21 through 23.

C Preparation of Notice of Adjusted Allotment on MQ-24. - Form MQ-24 shall be prepared and mailed to the operator of each farm which was granted an adjustment in the acreage allotment on the basis of MQ-30.

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(X C)

This notice of allotment shall be prepared in the regular manner except that the acreage allotment shall be entered from Item D of MQ-30 and there shall be typed in CAPITAL LETTERS on the face of the notice the words "REVISED ALLOTMENT BASED ON REAPPORTIONED RELEASED ACREAGE -- REPLACES ANY PREVIOUS NOTICE OF ALLOTMENT FOR THIS FARM".

XI DETERMINATION OF NORMAL YIELDS

Normal yields will be determined only for those farms involved in violation of the regulations.

The normal yield for any old farm shall be determined in accordance with Section 729.521 of the regulations. The normal yield for any new farm shall be determined in accordance with Section 729.523 of the regulations.

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